

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

CHRISTOPHER PARFITT, individually

Plaintiff,

v.

Case No.: 2:19-cv-727-FtM-38NPM

FLORIDA GULF COAST  
UNIVERSITY BOARD OF  
TRUSTEES, FLORIDA GULF  
COAST UNIVERSITY, EUNSOOK  
HYUN, JAMES LLORENS and  
PRECIOUS GUNTER,

Defendants.

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**ORDER**<sup>1</sup>

Before the Court is Defendants' Motion to Dismiss ([Doc. 59](#)) and Plaintiff's response in opposition ([Doc. 62](#)). In part, Defendants argue Count 2 must be dismissed based on sovereign immunity under the Eleventh Amendment. ([Doc. 59 at 11-12](#)). Plaintiff responds mostly with the *Ex parte Young* doctrine, contending the Eleventh Amendment does not bar the claim. ([Doc. 62 at 23-26](#) (citing *Ex parte Young*, 209 U.S. 123 (1908))). However, Defendants did not address that principle in their Motion. Because Eleventh Amendment immunity is a threshold, jurisdictional question not completely briefed, the Court requires additional briefing before proceeding. See [Bouchard Transp. Co. v. Fla. Dep't of Env'tl. Prot.](#), 91 F.3d 1445, 1448-49 (11th Cir. 1996).

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

Thus, Defendants must file a supplemental brief on the matter, to which Plaintiff may respond.

Accordingly, it is now

**ORDERED:**

1. Defendants must **FILE** a supplemental brief, not to exceed five (5) pages, on the issue identified above **on or before April 2, 2020**. Then, Plaintiff may **FILE** a response to Defendants' supplemental brief, not to exceed three (3) pages, **on or before April 6, 2020**.
2. The Court will **DEFER RULING** on Defendants' Motion to Dismiss ([Doc. 59](#)) until the time for all supplemental briefing passes.

**DONE** and **ORDERED** in Fort Myers, Florida this 23rd day of March, 2020.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record